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TOWN BOARD, TOWN OF HARRISON
COUNTY OF WESTCHESTER: STATE OF NEW YORK

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In the Matter of the Application of

MARIANNE FEENEY

PETITION FOR RE-ZONING

Petitioner,

for Re-Zoning by extending the R-75 Zone
for the properties known as:
1490 Old Orchard Street; 1492 Old Orchard Street;
1496 Old Orchard Street; 1498 Old Orchard Street;
1502 Old Orchard Street and 1506 Old Orchard Street
and as Block 1011 Lots 14, 15, 10, 7, 3 and 1
all in the Town of Harrison.

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MARIANNE FEENEY, as the Petitioner, hereby Petitions the Town Board of the Town of
Harrison pursuant to Article XIII, Sections 235-76, 235-77 of the Town of Harrison Zoning
Ordinance as follows:

PETITIONER

1. The Petitioner, MARIANNE FEENEY is the owner of the property known as 1490 Old Orchard Street, West Harrison, New York 10604 (Town of Harrison) designated as Block 1011 Lot 14 on the Tax Assessment Map of the Town of Harrison which is located within the area which is the subject of this re-zoning request.

PROPERTIES WITHIN THE PROPOSED ZONE

2. In addition to the property of the Petitioner the following properties are included in the petition and would be included in the extension of the R-75 zone:

- a. Jon Norregarrd owner of the property known as 1506 Old Orchard Street, West

Harrison, New York (Town of Harrison), Block 1011 Lot 1 on the Tax Assessment Map of the Town of Harrison;

- b. Shawn and Erica Andrews owners of the property known as 1502 Old Orchard Street, West Harrison, New York (Town of Harrison), Block 1011 Lot 3 on the Tax Assessment Map of the Town of Harrison;
- c. Patricia A. Boaz owner of the property known as 1498 Old Orchard Street, West Harrison, New York (Town of Harrison), Block 1011 Lot 7 on the Tax Assessment Map of the Town of Harrison;
- d. Vincent and Josephine Corso owner of the property known as 1496 Old Orchard Street, West Harrison, New York (Town of Harrison), Block 1011 Lot 11 on the Tax Assessment Map of the Town of Harrison; and
- e. George P. and Leela Varaghese owner of the property known as 1492 Old Orchard Street, West Harrison, New York (Town of Harrison), Block 1011 Lot 15 on the Tax Assessment Map of the Town of Harrison.

- 3. These properties are all currently in located in an R-1 Zone and are identified on **Exhibit "A"** attached to this Petition and represent the area for which the Petitioner seeks a re-zoning and extension of the R-75 zone.
- 4. The properties are all one family residential dwelling consistent in size and character with homes which would be found in an R-75 residential zone. The lots upon which these properties sit vary in width from 75 to 90 feet.

PROPOSED AMENDMENT TO THE ZONING ORDINANCE:

- 5. As was stated earlier the Petitioner's property and the properties included in the area covered by the re-zoning application are currently pre-existing non-conforming uses in an R-1 Zone and are comprised of residential dwellings.
- 6. The area adjacent to the six lots for which a re-zoning is requested is presently zoned R-75 and

contains approximately 18 lots on Old Orchard Street, Woodland Road and Rockland Road and the lots which are the subject of this rezoning petition conform to the character of the neighborhood.

7. The Building Department of the Town of Harrison considers these properties non-conforming and certain applications would require variances before building apartment approval may be granted. Due to the size of the lots and the size and nature of the dwellings on the lots, the lots contained in this zone are not able to become conforming lots in an R-1 zone.
8. The Petitioner seeks a re-zoning of the lots identified in the request to conform the lots to the existing and future character of the neighborhood consistent with the adjacent R-75 zone which abuts these properties. This particular rezoning would conform the existing uses to a compatible zone; would eliminate the potential for any legal action by the Town of Harrison Building Department; would permit the development consistent with the requirements of the abutting R-75 zone; and would further confirm the current existing uses and dimensional conformities of the properties that have been in place for over forty (40) years, if not longer.
9. The current R-1 Zone is incompatible with the historic uses of the property and the existing uses of the property. It is not likely that residential uses on these lots could ever conform to the requirements of an R-1 zone and are in fact consistent with the dimensional requirements for an R-75 zone.
10. Petitioner respectfully requests that the extension of the R-75 zone be approved which will conform the zoning to the existing dwellings within the area. A list of the names of owners immediately adjacent to and extending to within 100 feet of the properties as required by 235-77 of the Town Zoning Ordinance is attached hereto as **Exhibit "B"**.

COMPLIANCE WITH SEQRA

11. Under the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder, this re-zoning and change to the Zoning Ordinance would be classified as an Unlisted Action.

12. Accordingly, Petitioner complies or will comply in all respects with the requirements of SEQRA.

WHEREFORE, the Petitioner respectfully requests that the Town Board pursuant to Section 235-76 and 235-77 of the Town of Harrison Zoning Ordinance, refer this petition to the Town of Harrison Planning Board for a recommendation and for simultaneous review and determination of significance under SEQRA.

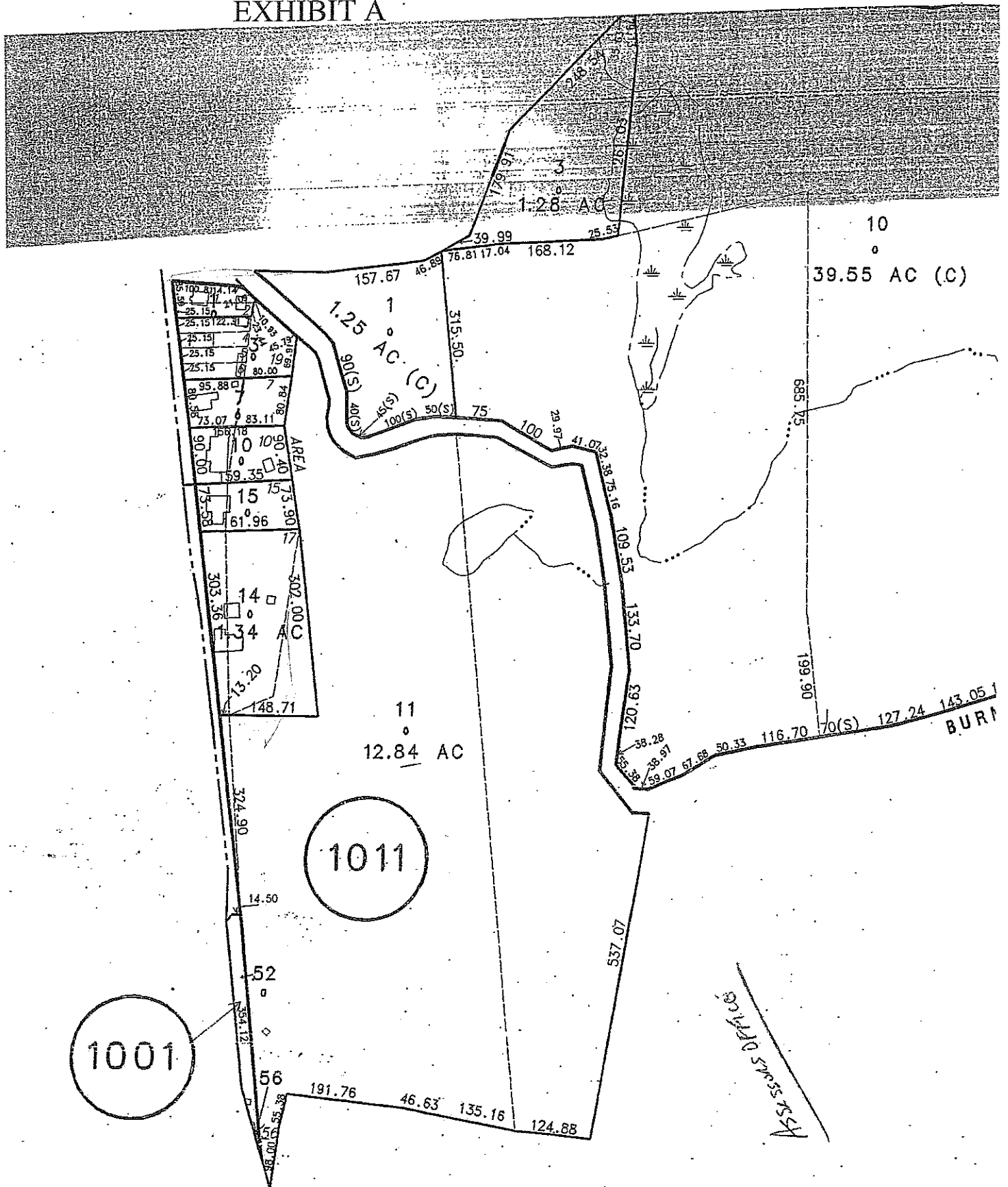
Dated: Harrison, New York
January 27, 2012

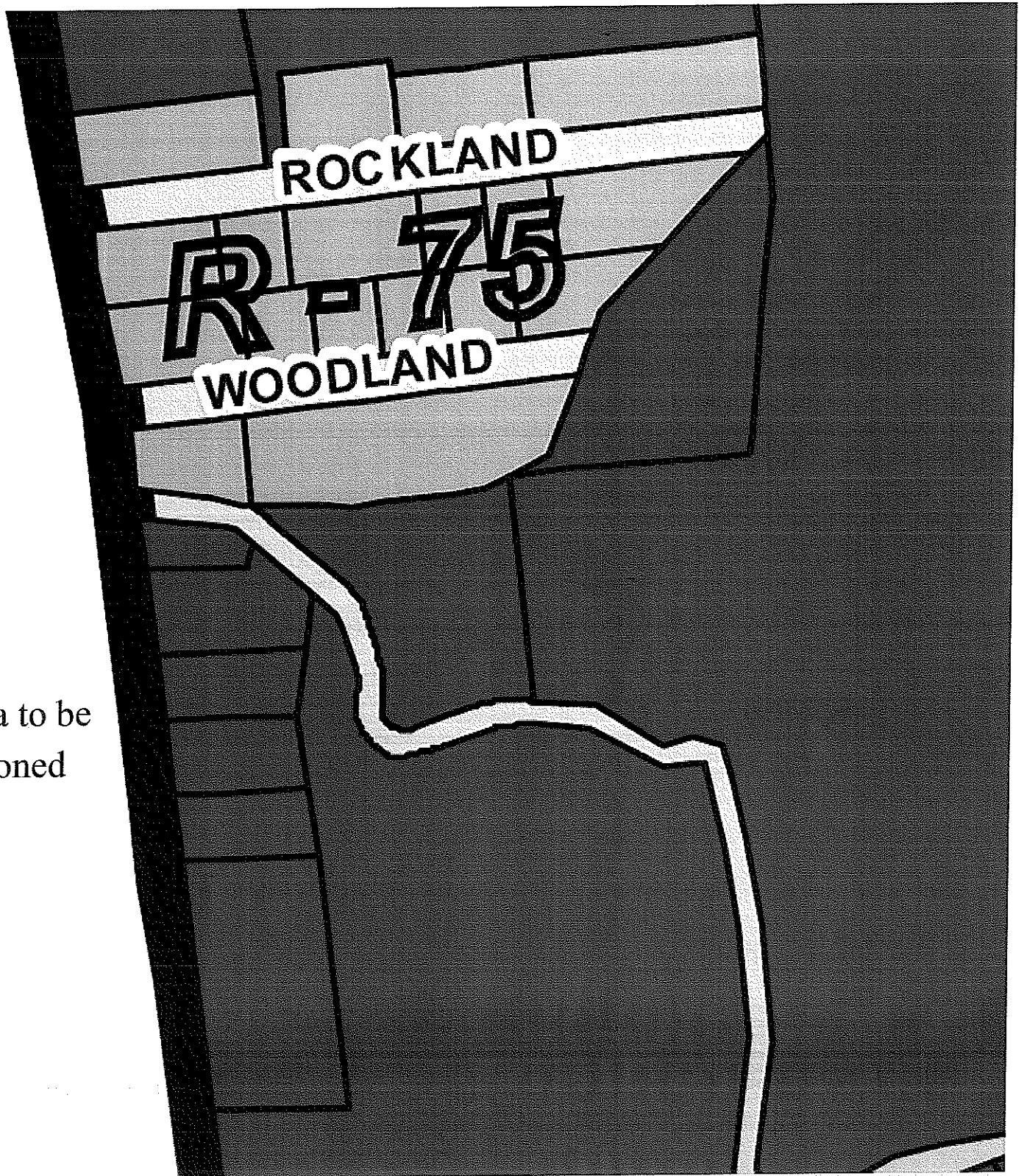
Respectfully Submitted

A handwritten signature in dark ink, appearing to read "Philip A. Marraccini", is written over a horizontal line.

Philip A. Marraccini, Esq.
Attorney for Petitioner
8 Ramapo Trail
Harrison, New York 10528
914-490-3284

EXHIBIT A





Area to be
Rezoned

EXHIBIT B

BLOCK	LOT	ADDRESS	NAME
1011	001	1506 OLD ORCHARD ST	Jon Norregaard
1011	003	1502 OLD ORCHARD ST	Shawn and Erica Andrews
1011	007	1498 OLD ORCHARD ST	Patricia A. Boaz
1011	010	1496 OLD ORCHARD ST	Vincent and Josephine Corso
1011	014	1490 OLD ORCHARD ST	Marianne Feeney
1011	015	1492 OLD ORCHARD ST	George P. and Leela Varaghese
1011	011	BURNS RD	Town of Harrison

*TownVillage of Harrison, NY
Thursday, December 1, 2011*

Article XIII. Ordinance Amendments

§ 235-76. Procedure.

- A. This chapter may be amended by the Town Board, from time to time, on its own motion or on petition or on recommendation of the Planning Board, in accordance with the provisions of the enabling statutes, after public notice, hearing and posting.
- B. Each proposed amendment shall be referred to the Planning Board prior to public hearing for a recommendation, which shall become a part of the official minutes of the public hearing.
- C. The Town Board shall not take action on any such proposed amendment without the recommendation by the Planning Board, unless the Planning Board fails to render its recommendation within 60 days after the date of its referral.
- D. All amendments which are the subject of a mandatory referral or notice to other agencies, as set forth in §§ 277.61 and 277.71 of the Westchester County Administrative Code, shall be transmitted to the appropriate agencies by the Town Clerk in accordance with the provisions of those sections.

§ 235-77. Petition requirements.

- A. Any petition for a change in the Zoning Map shall include the following:
 - (1) The name of the property owner.
 - (2) A map accurately drawn to an appropriate scale, showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to and extending within 500 feet of all boundaries of the property to be rezoned in the R-2.5, R-2 and SB-0, SB-1, SB-35 and SB-100 Districts; 300 feet in the R-1, R-1/2 and R-1/3 Districts; and 100 feet in all other districts.

[Amended 11-7-1990]

- (3) A metes and bounds description or lot and block identification from the Assessor's Map of the Town of Harrison of the proposed amendment.
- B. Petitions for amendments shall be submitted, in quadruplicate, to the Municipal Clerk with an application fee as set forth in the most current resolution of the Town Board fixing the fee pursuant to § 137-1 of the Town Code.

[Amended 11-7-1991; 2-21-2007 by L.L. No. 1-2007]